

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MARYLAND**

SABEIN BURGESS,)	
)	
Plaintiff,)	Case No. 1:15-cv-00834
)	
v.)	
)	Hon. Richard D. Bennett
BALTIMORE POLICE)	
DEPARTMENT, <i>et al.</i> ,)	
)	JURY TRIAL DEMANDED
Defendants.)	

MOTION FOR WRIT OF HABEAS CORPUS AD TESTIFICANDUM

Plaintiff SABEIN BURGESS, by his attorneys, LOEVY & LOEVY, hereby respectfully moves this Court for a writ of habeas corpus ad testificandum requiring the presence of Charles Dorsey, DOC ID No. 500652, and James Bagley, DOC ID No. 262510 to give testimony at trial. In support thereof, Plaintiff states as follows:

1. Plaintiff requests an order directing the Clerk to issue a writ of habeas corpus ad testificandum, requiring the presence of Charles Dorsey, DOC ID No. 500652, and James Bagley, DOC ID No. 262510, presently incarcerated in the Maryland Department of Corrections, at the upcoming trial in the above captioned matter.
2. The presence of both Charles Dorsey and James Bagley is necessary because these detainees are key witnesses in Plaintiff's case.
3. This Court should therefore issue the writ, as their testimony is relevant and not duplicitous of other testimony. *Stone v. Morris*, 546 F.2d 730, 736-37 (7th Cir. 1976) (writ of habeas corpus ad testificandum is properly issued where

necessary for a full and fair hearing); *Muhammad v. Warden, Baltimore City Jail*, 849 F.2d 107 (4th Cir. 1988) (writ of testificandum is appropriate where prisoner's presence will substantially further resolution of the case).

4. The Maryland Department of Corrections officials require an order of this Court to arrange for production of Mr. Dorsey and Mr. Bagley at trial. Accordingly, Plaintiff has prepared the appropriate orders, which are attachments 1 and 2, and Writs, which are attachments 3 and 4.

WHEREFORE, Plaintiff, SABEIN BURGESS, respectively requests that this Court enter orders, attachments 1 and 2, directing the Clerk of the Court to issue writs of habeas corpus ad testificandum, attachments 3 and 4.

RESPECTFULLY SUBMITTED,

/s/Theresa Kleinhaus

Theresa Kleinhaus

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I, Theresa Kleinhaus, an attorney, hereby certify that on October 20, 2017, I filed the foregoing Motion using the Court's CM/ECF system, which effected service on all counsel of record.

RESPECTFULLY SUBMITTED,

/s/ Theresa Kleinhaus

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One of Plaintiff's Attorneys